

E-FILING

Filed

JUL 12 2007  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

1 SCOTT N. SCHOOLS (SCSBN 9990)  
2 United States Attorney

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ELMER OCHOA-ALVAREZ,

15 Defendant.  
16

CR No. 07 00434

VIOLATION: 8 U.S.C. § 1326 -  
Illegal Re-entry Following Deportation

SAN JOSE VENUE

17  
18 INFORMATION  
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20 The United States Attorney charges:

21 On or about May 22, 2007, the defendant

22 ELMER OCHOA-ALVAREZ,

23 an alien, previously having been arrested and deported from the United States on or about  
24 June 9, 1994, August 4, 1999 and November 4, 2004, was found in the Northern District  
25 of California, the Attorney General of the United States and the Secretary for Homeland  
26 Security not having expressly consented to a reapplication by the defendant for admission  
27

28 //

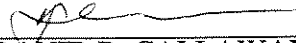
INFORMATION

1 into the United States, in violation of Title 8, United States Code, § 1326.

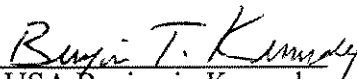
2  
3 DATED:

4 7/11/07

SCOTT N. SCHOOLS  
United States Attorney

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7 DAVID R. CALLAWAY  
Deputy Chief, San Jose Branch

8  
9 Approved as to form:

  
SAUSA/Benjamin Kennedy

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**

Title 8, U.S.C. § 1326 - Illegal Re-Entry Following Deportation

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony**PENALTY:**20 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment fee**CR****PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

ICE

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

BENJAMIN KENNEDY

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

ELMER OCHOA-ALVAREZ

DISTRICT COURT NUMBER

**E-FILING**  
**File**

JUL 12 2007

RICHARD L. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE**IS NOT IN CUSTODY**1) ☐ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other charges☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

**DATE OF ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

Month/Day/Year

**DATE TRANSFERRED TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS\*☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_